

# **CALIFORNIA STATE ATHLETIC COMMISSION**

## **FINAL STATEMENT OF REASONS**

**Hearing Date:** February 9, 2002

**Section Affected:** 294

### **Updated Information**

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

The proposed language was amended to delete the requirement of two Emergency Medical Technicians (EMTs) or Paramedics and replaced with one paramedic. Language was added specifying that a ringside physician must release an ambulance from an event, and that either a staff representative or ringside physician shall ensure that there is adequate accessibility at each event on a case by case basis.

#### **Specific Purpose and Factual Basis:**

1. One paramedic was added in order for the paramedic to attend to the injured fighter while the other member of the team drives the ambulance and transports the fighter to the hospital. An EMT does not have the proper training (e.g., to perform advance life support and actual medical intervention such as administration of intravenous lines and drugs on scene before and during the transport). Unlike paramedics, EMTs can only administer basic aid, stop bleeding, or stabilize broken limbs.
2. Language was added specifying that a ringside physician shall release the ambulance from the event. This codifies the current practice, which has worked thus far. Additionally, a physician has the expertise and knowledge once the fighter has been examined to determine whether he should remain at the event for a specific time period due to possible internal injuries. The fighter may also not be too cognizant after a knock-out. Thus an ambulance should remain until the physician believes that the fighter is out of danger.
3. A staff representative or ringside physician shall ensure that there is adequate access for a potential medical evacuation at each event as they are the most qualified to do so since, as Commission representatives, they are familiar with the physical layout of boxing venues.

### **Local Mandate**

A mandate is not imposed on local agencies or school districts.

### **Business Impact**

This action may have an adverse insignificant economic impact on businesses. The following alternatives were proposed to lessen such adverse economic impact on Businesses and were rejected for the reasons set forth below:

(1) Utilize the services of a limousine rather than an ambulance.

This recommendation was rejected because the Commission does not believe a limousine contains the necessary drugs or equipment to stabilize an injured fighter during transport to a hospital. Also, there is a legal issue on whether limousine companies may incur any liability as a result of such a situation and be able to perform this service in the first place.

(2) Contact and use of an ambulance for life-threatening emergencies only.

This recommendation was rejected because the Commission cannot foresee when a life-threatening emergency might arise. It would basically be the same as not having an ambulance on site and contacting them only when a fighter was critically injured. This would not provide adequate protection for injured fighters.

(3) Use of two Emergency Medical Technicians.

This recommendation was rejected because according to Dr. Wallace (Chair of Medical Advisory Committee for the Athletic Commission) and Mr. Jack Reiss (Fire Captain for the County of Los Angeles) EMTs do not have the proper training to assist an injured fighter but paramedics do. Additionally, EMTs cannot legally transport an injured fighter into the ambulance and from the ambulance into the hospital only paramedics can perform such a function.

(4) Do not require an ambulance to be present at the events.

This recommendation was rejected because the Commission is more concerned with the health and safety of fighters rather than a small economic impact upon promoters. There have been incidents where an ambulance has been needed at fights in California. California has experienced ring deaths in 1983, 1989 and 1997. In each case there was no ambulance at the venue. All three fighters died from sub-dural hematoma and could possibly have survived had an ambulance been on site for rapid evacuation to a hospital.

(5) Use of two EMTs where doctor accompanies injured fighter to the hospital

This recommendation was rejected because a physician is working outside the scope of his employment if he accompanies an injured fighter to the hospital in an ambulance and therefore is possibly liable if the fighter dies in the ambulance. The physician responsibilities at the venue are to ensure the safety of the fighters, to render medical

treatment to the fighters, to ensure safety of equipment and surroundings, etc. Once the physician transfers the care of the fighter to the emergency technicians or paramedics his/her responsibilities end. Additionally, the Commission via regulation requires two physicians at each event. The reason being, one physician attends and checks the injured fighter periodically, while the other stays by the ring to administer aid to another injured fighter if such a case arises.

### **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Commission would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

### **Objections or Recommendations/Responses**

#### **WRITTEN COMMENTS received by February 9, 2002 hearing:**

The following recommendation and/or objections were made regarding the proposed action:

1. Tim Luechenhoff, president of the Association of Boxing Commissions  
Sent an e-mail on December 12, 2001

Mr. Luchenhoff sent an article via the internet where a St. Louis jury awarded a boxer \$41.1 million for brain damage he suffered at a bout at the Regal Hotel. The resulting blood clot pressured Ibarra's brain, damaging it. Compounding the injury was bruising of the brain. His suit against the hotel's owners alleged negligence over the absence of an ambulance stationed nearby. He did not arrive at the hospital until about 45 minutes after he began having seizures.

This article focuses on the necessity of an ambulance at each event. It delineates that if an ambulance had been present at an event in St. Louis, Missouri boxer Fernando Ibarra would not have sustained irreparable brain damage.

Mr. Luchenhoff's article is noted.

2. Jerry Hoffman of 12 Sports Productions (Boxing Promoter)  
Sent an e-mail on December 24, 2001

Mr. Hoffman's contends that there have been no medical emergencies in the recent past to necessitate this type of emergency equipment or personnel. He believes that the requirement of ringside physicians, a nearby hospital, emergency transportation (e.g., limousine), oxygen, a stretcher and other aids are more than sufficient. Furthermore, the associated cost minimizes the integrity of the ticket value, and he has recently increased the ticket prices to his events. He would like the Commission to

consider each promoter's track record regarding safety rather than issuing a blanket requirement.

This recommendation was rejected because the Commission is more concerned with the health and safety of fighters rather than the small economic impact upon promoters. There have been incidents where an ambulance has been needed at fights in California.

3. Don and Lorrain Chargin of Chargin Promotions(Boxing & Martial Arts Promoter):  
Sent letter dated December 28,2001

The Chargins have always had ambulances and Emergency Medical Technicians or Paramedics at all of their shows. They believe it is imperative to the health and safety of fighters and it is a necessity! They absorb the costs and the most they have been charged for an ambulance etc., is \$500.

This recommendation supports the necessity of an ambulance at events as so identified in the regulation. The Chargin's main concern is that an ambulance should be present at each event in order to protect the health and safety of the fighter.

4. Dr. Paul Wallace (Chair of Medical Advisory Committee)  
Sent letter received the week of January 7, 2002

Dr. Wallace believes the purpose of the change is to provide a higher level of safety to the boxer. Emergency Medical Technicians are trained in basic life support only and cannot transport critical ill patients. They cannot administer emergency medications or use an IV. The recommendation from the Medical Advisory Board, given to the Commission in June 2000, requested paramedics.

Dr. Paul Wallace recommends an ambulance and paramedics be present at all events because as he so stated, "the purpose of the change is to provide a higher level of safety to the boxer." The Medical Advisory Committee on June 2000 recommended to the Commission that ambulances with paramedics be mandated for all sanctioned fights for the safety of the fighters.

Dr. Wallace's recommendation is noted and the Commission concurs with Dr. Wallace's recommendation.

## **ORAL COMMENTS on hearing date of February 9, 2002**

1. Mr. Dan Rodarte (Martial Arts Promoter)

Mr. Rodarte stated that currently the Commission required two ringside physicians at all events which he felt was adequate enough to address any medical emergencies. He explained that he only used an ambulance twice during his 20 years of promoting kickboxing and the added cost of \$700 per event for an ambulance on-site would affect the

promoters as well as the cost of tickets for spectators. He pointed out that an ambulance could be on site within 10 minutes from the time a call was placed. He asked the Commissioners to reconsider the regulation when applied to kickboxing.

The recommendation was rejected because the injuries suffered by Mr. Rodarte's kick boxers were to the leg area, which is not a life threatening injury unlike the upper torso such as the head. Ten minutes is a reasonable amount of time for an ambulance to arrive and transport an injured fighter who has sustained leg injuries, but not if the fighter was in immediate danger from blunt force upon the head. This type of injury could result in a brain hemorrhage, lack of oxygen to the brain, cognitive impairment, etc. In this type of scenario time is of the essence. Thus, 10 minutes for the sole purpose to arrive at the venue, without taking into consideration the amount of time needed to transport the fighter to the hospital, may be too late to repair the damage or to save a life.

As to Mr. Rodarte's concern of the \$700 cost, Mr. Rodarte holds most of his fights in the County of Los Angeles. According to Mr. Chargin's letter dated December 28, 2001, Los Angeles county charges \$400-\$500 for a 4-hour-time period. The Commission believes that this is a reasonable charge to retain the services of an ambulance for a span of 4 hours and refutes Mr. Rodarte's contention that it would be a burden on him as well as the spectators. Since the cost is not excessive, the price of the tickets would increase proportionately, in turn not placing a burden upon the spectators.

## 2. Paul Wallace M.D. (Chair of Medical Advisory Committee)

Dr. Wallace strongly recommended that an ambulance be present at all events in California to ensure the health and safety of the fighters. He did not concur with the language specifying that Emergency Medical Technicians (EMTs) or Paramedics be present at the events. Dr. Wallace believes that EMTs do not have the proper training to assist an injured fighter unlike paramedics. Emergency Medical Technicians are trained in first aid only and are not allowed to transport a person who is in an emergency situation. An EMT does have the proper training to stabilize and transport an injured person. He continued to explain that if EMTs were present and an injury occurred, the promoter would need to pay an additional cost for the paramedics once they arrive, as EMTs cannot transport an injured person into an ambulance and from an ambulance into the hospital. He suggested that promoters negotiate a flat rate with the ambulance companies adding that the number of events could be used as a leverage factor.

Dr. Wallace was questioned about the necessity of two paramedics at each event for which Dr. Wallace replied that his main concern was the ability to transport an injured fighter into the ambulance and from the ambulance into the hospital for which only a paramedic can render that service. Hence, at least one paramedic would be a viable solution. He also explained that this regulation should apply to both boxing and martial arts/kickboxing.

The recommendation was accepted as to the necessity and requirement that at least one paramedic be in attendance at each event. Language was modified accordingly.

## 3. Mr. Chargin (Boxing Promoter)

Mr. Chargin explained that his company utilizes the services of one paramedic and one EMT at each event.

The statement was noted.

4. Jack Reiss (Captain for Los Angeles Fire Department and licensed Referee)

Mr. Reiss concurred with Dr. Wallace that EMTs couldn't legally transport injured fighters or anyone into an ambulance and from the ambulance into the hospital but could only administer basic aid, stop bleeding, or stabilize broken limbs. Paramedics on the other hand, had the ability to do advance life support and actual medical intervention such as administer intravenous lines and drugs on scene before the transport. He believed that one EMT and one paramedic would work and would be less costly than two paramedics and further added that the Fire Department's majority of lawsuits incurred were due to lack of response time and not having paramedics on scene quick enough.

Mr. Plowman (staff attorney from Attorney General Office) asked Mr. Reiss if the legal views that he gave in respect to paramedics were only in effect in Los Angeles County or was it the same across the board. Mr. Reiss stated that each county had its own Department of Health Services that regulated transport criteria, but he stated that it was pretty much the same across the board.

The statement was noted.

5. Mr. Chargin (Boxing Promoter)

Mr. Chargin asked if one of the two ringside doctors could accompany an EMT in the ambulance to the hospital rather than a paramedic. Executive Officer, Robert Lynch responded by stating that it would leave the promoter with only one doctor the rest of the evening. Two doctors are necessary one to attend an injured fighter while the other oversees the rest of the event. Dr. Wallace added that the Commission would not take on the liability of a doctor acting in that capacity.

The statement was noted.

6. Paul Wallace M.D. (Chair of Medical Advisory Committee)

Dr. Wallace explained that normal practice as to when the ambulance should be released depends on the physician in charge or the promoter. Currently the ringside physician remains at the event until the last fighter leaves the premises.

The statement was noted and language modified to discharge paramedics upon release of a ringside physician.

7. Paul Wallace M.D. (Chair of Medical Advisory Committee)

Dr. Wallace was asked who should determine what constitutes adequate access. Dr. Wallace replied that the decision should be left up to the supervising inspector and the

chief ringside physician on an event-by-event basis.

The statement was noted and language modified to include that adequate access should be determined by a commission staff representative and ringside physician on a case by case basis.

8. Mr. Steve Rodarte (Martial Arts Promoter)

Mr. Rodarte stated that while promoting kickboxing for the past five years the majority of the injuries were to the legs. He believed that doctors are sufficient and the proposed cost for paramedics will hinder the sport and its growth. He believes that current practice has worked in the past and will continue to do so. Additionally, the injuries that occurred at his events that required a paramedic usually had a response time of about seven minutes and he felt it was sufficient. He added that he was in support of ambulances but only for life-threatening injuries.

The Commission rejects this hypothesis as again, the injuries that Mr. Rodarte is referring to falls under non-life-threatening. If he were to have a life-threatening injury a seven-minute response time may possibly be enough but only if the ambulance is already at the venue. Mr. Rodarte appears to be in support of ambulances for life-threatening injuries only. The Commission fails to ascertain how Mr. Rodarte can possibly determine prior to a fight whether the situation may evolve into a life-threatening circumstance.

9. Marty Denkin (CA. Boxing Referee and Judge)

Mr. Marty Denkin noted that if there were a lawsuit, the cost would be a factor in suing the Commission.

The statement was noted.

**COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD**

Jerry Hoffman of 12 Sports Productions (Boxing Promoter)  
Sent an e-mail on February 22,2002

Mr. Hoffman stated that he has never had an incident requiring anything close to an emergency, and has always had a limousine waiting on alert if someone needs to be taken to the hospital, which is minutes away. Furthermore, he has never needed a second doctor in the 10 years he's been doing shows and suggested that one of the doctors accompany the injured fighter in the ambulance. Mr. Hoffman also stated that he always has oxygen and a stretcher but has not utilized either one as of yet.

This recommendation was rejected because the Commission does not believe a limousine contains the necessary drugs or equipment to stabilize an injured person during

transport to a hospital. Also, there is a legal issue on whether limousine companies may incur any liability as a result of such a situation and be able to perform this service in the first place. As to the physician riding in the ambulance with the injured fighter, that was addressed in number #5 under oral comments. The fact neither oxygen nor a stretcher had been needed in the past does not prevent a circumstance from arising that will necessitate both. Drugs may also be needed to stabilize the injured fighter for which only an ambulance would be able to provide.

### **Finding of Necessity**

Not Applicable